

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6155**

**BILL NUMBER:** SB 258

**NOTE PREPARED:** Jan 25, 2008

**BILL AMENDED:** Jan 24, 2008

**SUBJECT:** Discharge of Long-Term Inmates.

**FIRST AUTHOR:** Sen. Waterman

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State

**Summary of Legislation:** (Amended) This bill requires the Department of Correction to provide for an automatic, one-time review of the sentence of a long-time inmate who has not been convicted of a violent offense to determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody. It also requires an inmate released by the Department to be placed on parole.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:** (Revised) Depending on the decisions made by the sentence review panel, this bill may reduce the number of offenders in Department of Correction facilities in the long term and increase the number of offenders who may need to be supervised on parole. Operations of a review panel may involve some meeting and travel reimbursement costs based on panel membership as determined by the DOC.

As of October 22, 2007, there were 11 offenders who had been imprisoned in DOC facilities for 25 years or longer (as specified in the bill) who might be eligible to be released under this bill. Their average age on January 25, 2008, was 54.

Education and conduct are two of the criteria that DOC may consider when deciding to grant an early release. According to DOC records, none of these offenders have either a high school diploma or a GED. Ten of these 11 offenders were in the highest conduct group, the Credit Class I behavioral group, which receives one day of credit time for each day incarcerated.

Other criteria DOC may consider include, but are not limited to, assurance of suitable living quarters when

the offender is released and proof of job offers from local employers where the offender would reside. There was no information available about these offenders' prospects for employment or other family or community support.

Cost Savings for DOC – Depending on the number of offenders who are released, the state could save between \$1,825 and \$19,185 per offender. The marginal cost of \$1,825 would apply if only a few offenders are released due to this provision. This amount represents the marginal cost of housing offenders in existing facilities with no additional staff, and avoiding having to provide medicines, food, and clothing for these offenders who are released. If a significant number of offenders are released, the state could save as much as \$19,185 per offender. This savings can occur if DOC facilities can avoid paying for personnel, including correctional officers, program staff, and other support staff, as well as avoiding having to provide food, clothing, and medicines for these offenders.

Since, at most, eleven offenders would qualify for this reduction, parole expenses would likely be minimal if all eleven were released.

Background– Crimes of violence are defined by IC 35-50-1-2 to include:

- (1) murder (IC 35-42-1-1);
- (2) attempted murder (IC 35-41-5-1);
- (3) voluntary manslaughter (IC 35-42-1-3);
- (4) involuntary manslaughter (IC 35-42-1-4);
- (5) reckless homicide (IC 35-42-1-5);
- (6) aggravated battery (IC 35-42-2-1.5);
- (7) kidnapping (IC 35-42-3-2);
- (8) rape (IC 35-42-4-1);
- (9) criminal deviate conduct (IC 35-42-4-2);
- (10) child molesting (IC 35-42-4-3);
- (11) sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2);
- (12) robbery as a Class A felony or a Class B felony (IC 35-42-5-1);
- (13) burglary as a Class A felony or a Class B felony (IC 35-43-2-1); or
- (14) causing death when operating a motor vehicle (IC 9-30-5-5).

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:**

**Information Sources:** DOC

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.